

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 8-9, 2004

Reference No.: 2.4b.  
Action Item

From: CINDY MCKIM  
Acting Chief Financial Officer

Prepared by: Brice D. Paris  
Division Chief  
Right of Way

Ref: **RESOLUTIONS OF NECESSITY**

## **ISSUE:**

For each of the proposed resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

## **RECOMMENDATION:**

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity C-18966 through C-18985. Discussions have taken place with the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owners may subsequently be entitled. Adoption of the resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18966 - Kenneth La Boube, et al.

01-Men-1-PM 10.75 - Parcel 11080 - EA: 307909 - Certification Date: 01/01/05 - RTL Date: 01/01/05 - (Conventional highway - realign Route 1 to avoid six slip outs). Authorizes condemnation of land in fee for a State highway. Located near the town of Point Arena near Schooner Gulch Bridge.

C-18967 - Albert and Shirley Lienert, Trustees, et al.

03-Sutter-99-PM 9.11 - Parcel 033402-1,2 - EA: 1A4319 - Certification Date: 12/01/04 - RTL Date: 12/01/04 - (Expressway - widen to provide four lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for the construction of road approach. Located in the town of Nicolaus at Striplin Road and State Route 99 in Sutter County.

C-18968 - Michelle M. Torr, et al.

04-Son-116-KP 13.3 - Parcel 59341-1 - EA: 1S3229 - Certification Date: 04/01/05 - RTL Date: 04/01/05 - (Conventional highway - construct a tieback wall and drainage). Authorizes condemnation of an easement for underground drainage and tiebacks. Located near the city of Monte Rio at 19899 Highway 116.

C-18969 - Brian D. Torr, et al.

04-Son-116-KP 13.3 - Parcel 59342-1 - EA: 1S3229 - Certification Date: 04/01/05 - RTL Date: 04/01/05 - (Conventional highway - construct tieback wall). Authorizes condemnation of easement for underground drainage and tiebacks. Located near the city of Monte Rio at 19887 Highway 116.

C-18970 - City of Los Angeles Department of Water and Power

06-Ker-14-KP 26.5 - Parcel 85037-1A, 1B - EA: 408409 - Certification Date: 07/01/05 - (Expressway - convert to four lane expressway). Authorizes condemnation of land in fee for a State highway. Located in the town of Mojave near Business 58 West and Highway 14. APN 427-010-06.

C-18971 - Mark Borna, et ux.

06-Ker-14-KP 35.30 - Parcel 85080 - EA: 408409 - Certification Date: 07/01/05 - (Expressway - convert to four lane expressway). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near California City, along Highway 14, near California City Boulevard. APN 225-286-23.

C-18972 - Joo S. Lee, et ux.

06-Ker-14-KP 35.30 - Parcel 85077; 85077-01-01 - EA: 408409 - Certification Date: 07/01/05 - (Expressway - convert to 4 lane expressway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and land in fee which is a remnant and would be of little market value. Located near California City, along Highway 14, near California City Boulevard. APN 225-051-01.

C-18973 - Richard C. Davis, Trustee, etc., et al.

06-Ker-14-KP 35.30 - Parcel 85123-1A, 1B - EA: 408409 - Certification Date: 07/01/05 - (Expressway - convert to four lane expressway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and underlying fee interest. Located near California City, along Highway 14, near California City Boulevard. APN 225-286-03.

C-18974 - Melecio Avanzado, et ux.

06-Ker-14-KP 35.56 - Parcel 85081 - EA: 408409 - Certification Date: 7/1/05 - (Expressway - convert to four lane expressway). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the town of Mojave and California City near Mojave and the Route 14 intersection with California City Boulevard. APN 225-286-19.

C-18975 - Stanley Aptaker

06-Ker-14-KP 39.42 - Parcel 85098-1A,1B; 85139-1A - EA: 408409 - Certification Date: 07/01/05 - (Expressway - convert to four lane expressway). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near California City, along Highway 14, three miles north of California City Boulevard.

C-18976 - Robert L. Schaffer, et ux.

06-Ker-14-KP 41.32 - Parcel 85107-1A, 1B - EA: 408409 - Certification Date: 07/01/05 - (Expressway - convert to four lane expressway). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the town of Mojave and California City, on Highway 14 near Mojave and California City Boulevard. APN 225-271-14.

C-18977 - Daniel Milton Yamshon, et al.

10-Mer-99-KP 16.34 - Parcel 14931 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue IC/Freeway Conversion). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the unincorporated area of Merced at McHenry Road, fronting State Route 99.

C-18978 - Marjorie Irene Dwyer, Trustee

10-Mer-99-KP 17.6 - Parcel 14942 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue IC/ Freeway Conversion). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the unincorporated area of Merced at 1385 South Yale Avenue.

C-18979 - L. J. Steiner, LLC, a California Limited Liability Company

10-Mer-99-KP 18.6 - Parcel 15077-1A,1B - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue IC/Freeway Conversion). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and underlying fee. Located in the city of Merced near Coffee Street and Mission Avenue.

C-18980 - L. J. Steiner, LLC, a California Limited Liability Company

10-Mer-99-KP 18.7 - Parcel 14948-1A,1B,1C - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue IC/Freeway Conversion). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and underlying fee. Located in the city of Merced near Coffee Street and Mission Avenue.

C-18981 - L. J. Steiner, LLC, a California Limited Liability Company

10-Mer-99-KP 18.9 - Parcel 14950 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue IC/Freeway Conversion). Authorizes condemnation of land in fee for a State highway. Located in the city of Merced near Coffee Street and Mission Avenue.

C-18982 - Union Pacific Railroad

10-Mer-99-KP 18.9 - Parcel 15107 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue IC/Freeway Conversion). Authorizes condemnation of a permanent easement for an aerial transverse crossing structure and two outdoor advertising signs. Located in the city of Merced between McHenry Road to 0.4 KM south of Childs Avenue overcrossing.

C-18983 - Viacom Outdoor, Inc.

10-Mer-99-KP 20.1 - Parcel 14494-A - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue IC/Freeway Conversion). Authorizes condemnation of an outdoor advertising sign. Located in the unincorporated area of Merced at the northeast corner of Gerard Avenue and South Parsons Avenue.

C-18984 - Stephen G. Tinetti, et al.

10-Mer-99-KP 20.3 - Parcel 14956; 14956-01-01 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue IC/Freeway Conversion). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, excess land in fee to which the owner has consented and an outdoor advertising sign. Located in the city of Merced at 256 Parsons Avenue.

C-18985 - Viacom Outdoor, Inc.

10-Mer-99-KP 43.8 - Parcel 14584-A - EA: 316962 - Certification Date: 10/01/05 - (Freeway - Mission Avenue IC/Freeway Conversion). Authorizes condemnation of outdoor advertising sign. Located near the unincorporated area of Merced at 11159 West Peach Avenue.